19 52 :

File No. O Vaccination/52

Legal Department

A BRANCH

K

Subject:—

Opinions under the Bombay District Vaccination Act, 1892.

File No. O Vaccination/52

579-A

19 52 **File No.** O Vaccination/52

Legal Department

A **BRANCH** P.4(E)

K

Subject:—

Opinions under the Bombay District.

Vaccination Act, 1892.

File No. O Vaccination/52

579-A

C O N T E N T S.

Legal Department Fikhe No. O. Vaccination/52

Sr. No.	R.I./	O.No.	Subject	pages
			Opinions under the Bombay District Vaccination Act, 1892.	
1.		8428 20-5-52	Vaccination Act 1892 - Application of to Shahapur Municipality order area included the Belgaum Municipality- limits	1-3
2.		14214 3-9-52	Whether Govt. can issue a final notification under sub-section 2(b) of the B'bay District Vaccination Act. 1892.	5

M.H.D.
15-6-56
C.S

AM 2816

Vaccination Act 1892 application of to Shahapur Municipal area included in Belgaum Municipal limits.

Office of the E.K.A.

Sub-section(1) of section 2 of the Bombay District Vaccination Act, 1892, provides that section 33 extends to the whole Bombay State. Sub-section(2)provid to the whole Bombay State. Sub-section (2)provides that the rest of the Act.

(a)extends to the whole of the Bombay State except Greater Bombay, and

(b)Shall come into force in each local area on such date as the State Government may by notification in the Official Gazette direct.

Sub section(3) of section 2 provides that any such notification shall specify the area local area to which it relates-

(a) by name if such area is a territorial sub-divisions or area with a specific name and defined Limits or

(b) by defining its limits in any other case.

In the General Department Notification No.5708, dated the 15th November 1934 issued under section 2(2)(b) of the Bombay District Vaccination Act,1892,Government directed that with effect from 15th November 1934 the provisions of section 1 to 32 shall come into force whthin the limits of the Belgaum Municipality. The words"within the limits of the Belgaum Municipality" in the said notification when construed in light of section 2(3) would mean that the provisions of sections 1 to 32 of the Act were brought into force within the defined limits of the Belgaum Municipality as in existence on 15th November 1934, consequently, the provisions of sections 1 to 32 of the said Act would not automatically apply to the additional area of the Shahapur Municipality which is now included within the limits of the Belgaum Municipality. Since it is proposed to apply the provisions of sections 1to 32to the area which formed part of the Shahapur Municipality it would be necessary to follow the procedure prescribed in section 2(4)before

issuing such a notification. The view expressed in the Local self Government and public Health Department note dated the 23rd January 1952 is correct. .

Sd-/
1955

Remembrancer of Legal Affairs.

U.R.to L.S.G. & P.H.D. No.8428,dated the 20th May 1952.

M.R.D.
15-6-56
C.S

5

Office of the R.L.A.

Seen and returned.

2. The view of theL.S.G.& P.H.D. as expressed in para 1 at p. 25 is correct. The provision in respect of the preliminary notification under sub-section(4) of section 2 of the Bombay District Vaccination Act,1892 having been complied with it would now be open to Government to issue a final notification under sub-section (2)(b) even though the date mentioned in the preliminary notification has long expired.

Sd-/-
30/8
Remembrancer of Legal Affairs.

U.R. L.S.G.&P.H.D. No. 14314 ,dated the 3rd September 1952.

M.R.D.
15-6-56
C.4